

Serial No.: 09/836,514

**REMARKS/ARGUMENTS**

5 This application has been reconsidered carefully in light of the Final Office Action dated as mailed on 30 March 2004 and the Advisory Action dated as mailed on 25 June 2004. A careful reconsideration of the application by the Examiner in light of the foregoing amendments and the following remarks is respectfully requested.

This response is timely filed as it is filed within the three (3) month shortened statutory period for response to the outstanding Office Action.

10 No additional claim fee is believed due as a result of this Amendment because neither the total number of pending claims nor the number of pending independent claims is believed to exceed the total number and the number of independent claims, respectively, for which fees have previously been paid. If, however, it is determined that such a fee is properly due as a result of this communication, the Commissioner is hereby authorized to charge payment of such fees or credit any overpayment, associated with this communication, to Deposit  
15 Account 19-3550.

AAI-14052

9

P300/clb

Serial No.: 09/836,514

### Amendment to the Claims

By the above,

1. claims 25, 27, 28, 44-46, 47-51, 55-60 and 63-66 have been canceled without prejudice,

5 2. claims 26, 31, 36, 37 and 40 have each been rewritten to depend on allowed claim 30,

3. claims 54 and 67 have each been rewritten to depend on allowed claim 53,

10 4. claim 61 has been rewritten in independent form including all of the limitations of the base claim and any intervening claims, and

5. claims 62 and 68 have each been rewritten to depend on claim 61, now rewritten in independent form.

Claims 26, 30, 31, 36-42, 53, 54, 61, 62, 67 and 68 remain in the application.

### Allowable Subject Matter

15 As a preliminary matter, the undersigned wishes to thank Examiner Hardee for the allowance of claims 30 and 53, the identification that claim 61, if rewritten in independent form including all of the limitation of the base claim and any

AAI-14052

10

P300/clb

Serial No.: 09/836,514

intervening claims, would be allowable and the indication that claims 40, 67 and 68 are allowable to the extent they read on potassium t-butyl carbonate.

Regarding claims 40, 67 and 68, Applicants respectfully submit that as these claims, prior to the amendments made herein, encompassed or covered certain elected species, these claims were entitled to full examination. That is, proper examination of these claims, prior to the subject amendments, would have rendered either an appropriate rejection, e.g., a rejection based on specifically identified and applied prior art or, as previously submitted, the allowance thereof. In particular, it is respectfully submitted, that as no basis of rejection has been identified relative to claims 40, 67 and 68, it is believed premature to make the subject action Final. Further, as no basis of rejection for these claims has been identified in the Action, Applicants have improperly been prevented from presenting arguments in support of the patentability of these claims such as to overcome such rejection.

By the above, claim 61 has been rewritten in independent form including the limitations of the base claim and any intervening claims, and, in the interest of resolving outstanding issues such that the pending application may pass to issue, claim 40 has been rewritten to depend on allowed claim 30, claim 67 has been rewritten to depend on allowed claim 53 and claim 68 has been rewritten to depend

AAI-14052

11

P300/clb

Serial No.: 09/836,514

on claim 61. In view thereof, claims 40, 61, 67 and 68 are also believed to be in allowable form and notification to that effect is solicited.

**Claim Rejections - 35 U.S.C. §103**

- 5 1. Claims 25, 26, 31, 36-39, 41, 42, 47 and 54 were rejected under 35 U.S.C. §103(a) as being unpatentable over WO 00/29261.

The rejections of claims 25 and 47 are moot in view of the cancellation of these claims.

10 By the above, claims 26, 31, 36-39, 41 and 42 depend, directly or indirectly on allowed claim 30 and claim 54 depends on allowed claim 53. In view thereof, these claims are also believed to be in condition for allowance and notification to that effect is solicited.

- 15 2. Claims 25, 31, 36-39, 41, 42, 57 and 62 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,224,099 B1 to Nielson et al. (hereinafter "Nielson").

The rejections of claims 25 and 57 are moot in view of the cancellation of these claims.

20 By the above, claims 31, 36-39, 41 and 42 depend, directly or indirectly on allowed claim 30 and claim 62 depends on previously objected to claim 61, with claim 61 having now been rewritten in independent form. In view thereof, these claims are also believed to be in condition for allowance and notification to that effect is solicited.

AAI-14052

Serial No.: 09/836,514

3. Claims 25, 31 and 36-39 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,486,248 to Taylor et al. (hereinafter "Taylor").

5 The rejection of claim 25 is moot in view of the cancellation of claim 25.

By the above, claims 31 and 36-39 depend, directly or indirectly on allowed claim 30. In view thereof, these claims are also believed to be in condition for allowance and notification to that effect is solicited.

#### Conclusion

10 In view of the above, all pending claims are believed to be in condition for allowance and notification to that effect is solicited. However, should the Examiner detect any remaining issue or have any question, the Examiner is kindly requested to contact the undersigned, preferably by telephone, in an effort to expedite examination of the application.

Respectfully submitted,



Nick C. Kottis  
Registration No. 31,974

Pauley Petersen & Erickson  
2800 West Higgins Road; Suite 365  
Hoffman Estates, Illinois 60195  
TEL (847) 490-1400  
FAX (847) 490-1403

AAI-14052

13

P300/clb